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How the law applies to me if ...
I own "Grandfathered" prohibited
firearms

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How the Law Applies to Me If...

I OWN "GRANDFATHERED" PROHIBITED FIREARMS

The *Firearms Act* brings about changes that affect firearms owners and users.

This fact sheet is of interest to you if:

- you own a firearm that was once not prohibited, but has now become prohibited.

WHAT IT MEANS

"Grandfathering" is a term used to describe a law allowing an owner to keep a firearm that has become prohibited.

Once prohibited, it becomes illegal to:

- manufacture firearms of that type in Canada, and
- import them into Canada.

In most cases, if you owned one of these firearms before it became prohibited, you may keep it for life.

Your status as a grandfathered individual will be set out on your firearms licence. To hold a licence for prohibited firearms, you must have grandfathering rights for each category of prohibited firearm that you possess.

To have grandfathering rights, you must:

- have held a Canadian registration certificate for at least one firearm in the same category

of prohibited firearm on the date set out in Section 12 of the *Firearms Act*. (The eligibility date varies depending on the category of prohibited firearm – see below);

- hold a Canadian registration certificate for at least one firearm in that category on December 1, 1998; and
- continuously hold a Canadian registration certificate for a firearm in that category from December 1, 1998 onwards.

For more information on getting a firearms licence, call toll-free 1 800 731-4000 and ask for the "I Own a Firearm" fact sheet. You may also get a licence application form through this number.

WHO IS GRANDFATHERED UNDER THE FIREARMS ACT ?

Section 12 of the *Firearms Act* gives grandfathered status to owners of certain prohibited firearms, including:

- automatic firearms registered before January 1, 1978;
- any converted automatic firearms that the current owner possessed on August 1, 1992 and applied to re-register by October 1, 1992 as converted automatic firearms with descriptions of the alterations;

- firearms declared prohibited (by *Prohibited Weapons Order No. 12*), that the owner possessed before July 27, 1992 and applied to register by October 1, 1992; and
- firearms declared prohibited (by *Prohibited Weapons Order No. 13*), that the owner applied to register by January 1, 1995.

In addition, s.12(6) of the *Firearms Act* gives grandfathered status to owners of a new category of prohibited firearms consisting of:

- handguns that have a barrel length of 105 mm or less, or
- handguns that are designed or adapted to discharge 25 or 32 calibre cartridges.

(Exempt from this new category of prohibited firearms will be certain handguns which are used in international sporting competitions (i.e., Olympics) governed by the rules of the International Shooting Union. The Department of Justice has included a list of these firearms in its *Criminal Code* regulations on firearms.)

Owners of this new category of prohibited handguns are grandfathered provided they applied to register the firearms by February 14, 1995. You may also have acquired other firearms of this description since February 14, 1995 and have them grandfathered to you provided they were registered to an individual as of February 14, 1995. (This gives the firearm grandfathered status as well). It is important to note that you can be grandfathered and still not be eligible to own a particular s.12(6) handgun if that firearm is not also grandfathered (registered as of February 14, 1995).

If either you or the s.12(6) handgun are not grandfathered, you must either:

- **change the barrel** (the new barrel must be over 105 mm in length) so that it becomes an ordinary restricted firearm (the old barrel will be classified as a prohibited device under the

Criminal Code and must be turned in to the police); or

- **deactivate** it following the required steps set out in the National Firearms Manual so that it is no longer a firearm; or
- **export** it following any legal procedures required; or
- **sell or give it** to a properly licensed grandfathered individual, business, museum or public service agency; or
- **turn it in** to the police or a firearms officer for disposal.

AMNESTY

Owners of s.12(6) handguns should be aware that there is an amnesty period to allow them time to comply with the options set out above. This amnesty period runs from December 1, 1998 to November 30, 1999.

USING YOUR s.12(6) HANDGUNS FOR A PERMITTED PURPOSE

Legitimate owners of the new category of grandfathered handguns (barrel length 105mm or less, or that fire 25 or 32 calibre cartridges) are subject to the same requirements (and, in the case of target shooters, will be eligible for the same target-shooting privileges) as restricted firearms owners.

For example, owners of the s.12(6) handguns are required to show:

1. they have the handgun for a permitted purpose (i.e., target shooting or gun collecting or, under strict limited conditions, for employment), and
2. that if they need to transport their handgun, they have an Authorization to Transport.

Owners who no longer use their s.12(6) prohibited handgun for a permitted purpose must choose between:

- **transferring** it to another s.12(6) grandfathered individual or to a properly licensed business by selling, trading or giving it away, or
- **deactivating** it in accordance with national standards (once deactivated, the prohibited handgun will no longer be classified as a firearm and will not be subject to any law that applies to firearms), or
- **exporting** it (follow any legal procedures required), or
- **disposing** of it (contact a firearms officer for further instructions).

TRANSFERRING PROHIBITED FIREARMS

The person to whom you transfer (sell, barter or give) a prohibited firearm must be grandfathered to own a firearm in that category. The person's firearms licence will indicate if he or she is eligible to take possession of your prohibited firearm. The one exception to this rule gives you the added option of transferring a prohibited s.12(6) handgun manufactured before 1946 to your spouse, a brother or sister, child or grandchild. That person may, in turn, transfer the same firearm to a spouse, brother or sister, child or grandchild, and so on as each person acquires grandfathered status along with the firearm.

Before taking it home, the immediate family member who is acquiring your pre-1946 prohibited handgun will have a reasonable amount of time to:

- advise the Chief Firearms Officer of the proposed transfer;
- get the appropriate firearms licence;
- satisfy any safety training requirements; and
- get an Authorization to Transport.

Whenever the ownership of a firearm changes, the new owner must arrange for the firearm to be registered in his or her name. A transfer authorization number will be issued to both the new and previous owners. This number will serve as proof that the CFO has approved of the transfer and will also be your temporary registration certificate until the new one arrives in the mail.

In addition to transferring prohibited firearms to grandfathered individuals, owners or their estates, may also:

- transfer (sell, trade or give) them to businesses with the appropriate firearms business licence, or
- transfer them to licensed museums, or
- export them following any legal procedures required.

TRANSPORTING PROHIBITED FIREARMS

There are special rules for transporting prohibited firearms if, for example, you need to move them to have them appraised, stored, repaired, or for use at a gun show or shooting competition.

To transport a s.12(6) prohibited handgun (having a barrel length of 105 mm or less or that fires 25 or 32 calibre cartridges), you will need an Authorization to Transport (Form JUS 679) issued by the CFO of your province or territory.

If you are transporting prohibited firearms other than s.12(6) prohibited handguns for target shooting purposes, you will need special authorization from your provincial or territorial Chief Firearms Officer.

If you are transporting them for any other purpose, you will need a normal authorization issued under the *Firearms Act* as with any other restricted or prohibited firearm. This authorization is also issued by your CFO.

COMING INTO FORCE

The *Firearms Act* is being phased in from December 1, 1998 to January 1, 2003.

INFORMATION

For more information, or to order a copy of the *Firearms Act*, its regulations, application forms and other CFC publications, contact us at:

1 800 731-4000 (Toll Free)
Web site: www.cfc-ccaf.gc.ca
e-mail: canadian.firearms@justice.gc.ca

This fact sheet is intended to provide general information only. For legal references, please refer to the *Firearms Act* and its regulations.

Provincial, territorial and municipal laws, regulations and policies may also apply.

Le présent feuillet d'information est également disponible en français.

INTERNATIONAL SPORTING UNION (ISU) COMPETITION HANDGUNS

These handguns used in International Sporting Union (ISU) competitions will remain classified as restricted even though they meet the definition of a prohibited handgun.

Item	Calibre	Make	Model
1.	22 L.R.	Walther	GSP
2.	22 L.R.	Walther	OSP
3.	22 L.R.	Unique	DES 69
4.	22 Short	Unique	VO 79
5.	22 Short	Domino	OP 601
6.	22 Short	FAS	601
7.	22 Short	Hammerli (SIG)	202
8.	22 Short	High Standard	Olympic
9.	22 Short	Pardini	GP
10.	22 Short	Sako	Tri-Ace
11.	22 Short	Walther	OSP
12.	32 S&W	Benelli	MP 90 S
13.	32 S&W	Domino / FAS	CF 603
14.	32 S&W	Erma	ESP 85
15.	32 S&W	Hammerli	280
16.	32 S&W	Hammerli	P240
17.	32 S&W	Manurhin	MR 32
18.	32 S&W	Pardini	HP
19.	32 S&W	Sako	Tri-Ace
20.	32 S&W	Unique	DES 32 U
21.	32 S&W	Vostok	TOZ 49 Rev.
22.	32 S&W	Walther	GSP





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